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8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
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12 Jose Daniel Castillo-Antonio, Plaintiff,) Case Number 18-3268 EMC
13 vs,)
14 Norquist Salvage Corporation, Inc. et al.,) STIPULATION AND [PROPOSED] ORDER
15 Defendants.) TO EXTEND TIME UNDER F.R.C.P. 12(f)
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TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL PARTIES AND THEIR
RESPECTIVE ATTORNEYS OF RECORD:

WHEREAS, this case has been assigned for early disclosures and mediation under General
Order 56 of the Northern District, and the parties to this stipulation want to make best efforts to
settle this case without litigation; and

WHEREAS, Defendants Norquist Salvage Corporation, Inc. and Level III Properties, LLC
filed their answer on June 29, 2018 (Docket #8), and therefore plaintiff's deadline for filing a
motion under FRCP 12(f) to strike insufficient defenses from their answers is July 20, 2018 (i. e.
21 days later); and

WHEREAS, Plaintiff and Defendants are trying to resolve their disagreements about these
defendants' answers informally, however, they wish to avoid the necessity of Plaintiff filing a
Rule 12(f) motion unless/until mediation pursuant to General Order No. 56 does not succeed;

THEREFORE:

IT IS HEREBY STIPULATED by and among plaintiff and defendants Norquist Salvage
Corporation, Inc. and Level III Properties, LLC that the deadline for Plaintiff to file any motion
with respect to the answer filed by Norquist Salvage Corporation, Inc. and Level III Properties,

1 LLC under Federal Rule of Civil Procedure 12(f) be extended to 21 days past the date that the
2 mediator certifies that the mediation under General Order 56 has been completed. It is also
3 stipulated that (1) plaintiff and defendants Norquist Salvage Corporation, Inc. and Level III
4 Properties, LLC shall meet and confer within seven (7) days after the mediation has been certified
5 as completed; (2) Norquist Salvage Corporation, Inc. and Level III Properties, LLC shall
6 thereafter be allowed an opportunity to voluntarily amend their answers prior to Plaintiff filing any
7 rule 12(f) motion; (3) that any amended answer shall be filed no later than seven (7) days after
8 plaintiff and Norquist Salvage Corporation, Inc. and Level III Properties, LLC meet and confer.

9 Law Offices of Richard A. Mac Bride

10 Richard Mac Bride /s/ Richard A. Mac Bride Date: July 3, 2018

11 Attorney for Plaintiff

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13 Lang, Richert, & Patch P.C.

14 Stan D. Blyth /s/ Stan D. Blyth Date: July 3, 2018

15 Attorney for defendants Norquist Salvage Corporation, Inc. and Level III Properties, LLC

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17 FILER'S ATTESTATION

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19 Pursuant to General Order 45, Section X(B), I hereby attest that on July 3, 2018, I, Richard A. Mac
20 Bride, the attorney of record for plaintiff herein, received the concurrence of attorney Stan D. Blyth,
21 attorney for defendants Norquist Salvage Corporation, Inc. and Level III Properties, LLC, in the
22 filing of this document.

23
24 /s/ Richard A. Mac Bride

25 Richard A. Mac Bride

ORDER

In the matter of Jose Daniel Castillo-Antonio v. Norquest Salvage Corporation, Inc. et al., 18-3268 EMC, pursuant to the stipulation of plaintiff and of defendants Norquist Salvage Corporation, Inc. and Level III Properties, LLC, and for good cause shown, it is hereby ORDERED, that the deadline for plaintiff to file any motion under Federal Rule of Civil Procedure 12(f) with respect to the answer of these defendants be extended to 21 days past the date that the mediator certifies that mediation under General Order 56 has been completed. Plaintiff and Norquist Salvage Corporation, Inc. and Level III Properties, LLC shall meet and confer within seven (7) days after the mediation has been certified as being completed. Norquist Salvage Corporation, Inc. and Level III Properties, LLC shall thereafter have an opportunity to voluntarily amend their answers prior to plaintiff filing any Rule 12(f) motion with respect to the answers filed by Norquist Salvage Corporation, Inc. and Level III Properties, LLC. Any amended answer shall be filed no later than seven (7) days after the parties meet and confer.

IT IS SO ORDERED.

Date: _____, 2018

